

Application No. 10/705, 248

Attorney Docket No. 503 US

REMARKS**RECEIVED
CENTRAL FAX CENTER
JAN 10 2007****I. STATUS OF CLAIMS**

Claims 20 – 22 and 26 – 34, 37, and 39 – 44 are currently pending. Claims 1 – 19, 23 – 25, 35, 36, and 38 have been cancelled, but Applicants expressly reserve all rights with regards to filing a divisional application directed to the cancelled claims and related subject matter. Claims 20, 37, and 39 have been amended.

Claim 20 has been amended, without prejudice, to more clearly set forth the subject matter of the invention. In particular, the nonwoven layer and elastic layer of the composite web is described as being bonded together at bonding points consisting essentially of points on the elastic layer and high points of the creped nonwoven layer.

Claims 37 and 39 have been amended to correct dependency.

No new matter has been added.

II. NEW MATTER REJECTIONS

The Office has rejected claims 20 – 22 and 26 – 44 under 35 U.S.C. § 112, 1st paragraph, for the inclusion of subject matter which was not described in the specification in such a way as to reasonably convey the claimed invention to one skilled in the art. In particular, the Office considers that the modifier “uncreped” with respect to “elastic layer” in claim 20 is a negative limitation that is not literally supported by the specification. Claim 20 has been amended to remove the term “uncreped” and, as indicated above, to specify that the elastic layer and creped nonwoven are bonded

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together at bonding points which occur essentially at points on the surface of the elastic layer and at high points of the creped nonwoven.

III. PRIOR ART REJECTIONS

The Office has rejected claims 20 – 22 and 26 – 44 under 35 U.S.C. § 102(b) as being anticipated by US 6,270,875 (Nissing).

A. CLAIMED INVENTION

Applicants have discovered that a creped nonwoven web can be bonded to a two- or three-dimensional perforated elastic film to produce a laminated composite that is highly elastic. Creping of the nonwoven web is believed to provide an otherwise nonextensible nonwoven web with extensibility in the direction of the creping. Without such creping, the nonwoven must be activated in order for the resulting composite to elongate. However, such activation may adversely modify the micro and macro structures of the nonwoven material. The composites of the claimed invention are therefore advantageous in that they allow for cold drawing without appreciable tearing of the laminate or nonwoven layers.

The extensibility of the laminate is significantly due to the position of the bonding at high points along the creped material. That is, the creped material is bonded to the elastic film along the creped high points so as to produce lanes of bonded material alternating with lanes of unbonded material. This bonding pattern allows the nonwoven to stretch in unison with, and in a direction planar to, the elastic film. Such bonding also allows for better retraction and recovery of the composite after accordion-like stretching

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because the nonwoven and elastic layers of the composite are not pleated or nested together.

B. PRIOR ART REFERENCE

Nissing teaches a disposable wiping article having a creped cellulose web bonded to an apertured thermoplastic film. According to Nissing, the film is bonded to the creped web to *inhibit* the extension of the web in the plane of the web. (Col. 4, lines 10 – 12.) That is, the plastic film is not elastic but instead is inelastic in that it prevents extension of the article in a direction planar to the web or the film. A purported advantage of this configuration is that, upon wetting, the crepe web puckers perpendicularly to the plane of web (col. 4, line 63 – 67), thereby creating individual pockets which can serve as containment areas for either wetting agents after extension or for dirt and grime after cleaning (col. 5, lines 29 – 35).

C. ARGUMENTS

Nissing does not anticipate the claimed invention because it does not teach bonding a creped nonwoven to an *elastic* film, and therefore, does not set forth, either explicitly or implicitly, each and every element of the claimed invention. MPEP 2131. As noted above, Nissing teaches joining a creped layer to thermoplastic film to *inhibit* the extension in the plane of the elastic layer and creped layer. Thus, the teachings of Nissing directly oppose the claimed invention, wherein a creped material is bonded to an elastic film to create a composite which is extensible in the direction of the creping (and planar to the film).

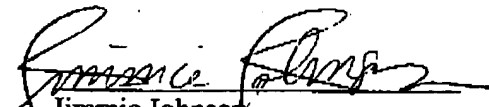
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IV. CONCLUSION

In view of the proposed claim amendments and the arguments presented above, the present application is believed to be in condition for allowance and an early notice thereof is earnestly solicited. The Office is invited to contact the undersigned counsel in order to further the prosecution of this application in any way.

Respectfully submitted,

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